REMARKS

In the Official Action of October 10, 2006, claims 1-17 and 22-24 were rejected under 35 U.S.C. § 103(a), as being obvious over Huntoon et al (U.S. Patent No. 6,046,377) in view of Widlund (U.S. Patent No. 5,919,178). This ground of rejection is respectfully traversed.

According to the Examiner, Huntoon et al. discloses all aspects of the claimed invention except the method of calendaring the surface crosslinked polymer between layers of wettable fibers. It is Examiner's position that the Widlund reference discloses a method for calendaring superabsorbent polymers between a first and second layer of wettable fibers to prevent leakage. Accordingly, the Examiner concludes that it would be obvious to use the method of Widlund to make the articles of Huntoon et al., and to thereby arrive at the present invention. Applicant respectfully disagrees with this conclusion.

It is applicant's position that any combination of Huntoon et al. and Widlund would fail to teach or suggest the present invention since several claim elements would not be obioius from such a combination. These elements include the following without limitation: (1) a surface crosslinked polymer having a FVAUL value of at lest about 60 cc after 10 minutes, and (2) a polymer comprising a continuous phase in at least the target region.

Although the Examiner states that Huntoon et al. discloses a surface crosslinked polymer, such as surface crosslinked polyacrylic acid, the reference simply states that the polymer is "lightly crosslinked" to render the polymer water insoluble yet water swellable. See col. 4, lines 20-25 of the reference. Surface crosslinking serves to provide the polymers with relatively high fluid capacity with minimal gel-blocking. See page 8, lines 13-15 of the present specification.

Additionally, there is no disclosure in Huntoon et al. that the compositions disclosed therein have the requisite FVAUL values as required in the present claims, or that the reference even recognizes the importance of this characteristic. Although the Examiner states that this is an inherent feature, this position is entirely speculative at best.

Even if the materials of fabrication are arguably similar, that does not necessarily require that the advantages of the present invention are disclosed in the reference.

Applicant maintains that obviousness cannot be predicted on the basis of what is unknown, and that the establishment of inherency requires the necessary presence of the claimed advantage. This cannot be predicated on mere conjecture that the characteristics of the product might result from the practice of processes disclosed in the references. The Widlund reference does not supply the deficiencies of Huntoon et al., and therefore, the applied references do not, either singly or in combination, teach, suggest or disclose all of the claim limitations. Accordingly, a prima facie case of obviousness has not established.

In order to further distinguish the present invention over the cited references, claim 1 has been amended to state that the polymer comprises a continuous phase in at least the target region thereof. Antecedent support for this amendment is found on page 21, lines 1-20 of the present specification. As stated in the specification, "continuous phase" means that the quantity of superabsorbent polymer particles is large enough in the region so as to contact each other and to thereby define a capillary network for facilitating liquid transfer within the structure. See, also, FIG. 1 of the present application. This feature of the invention is not disclosed in either reference.

Claims 18-19 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huntoon et al., in view of Widlund, and further in view of Beihoffer et al. (US Patent No. 6,235,965). This ground of rejection is traversed.

The Beihoffer et al. reference has been cited as a secondary reference for its disclosure of the use of a crosslinking agent, such as methyl bisacrylamide, comprising 3% by weight of the superabsorbent polymer. Notwithstanding, it is submitted that this reference does not cure the deficiencies of Huntoon et al. and Widlund as note above.

Claims 20-21 have also been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Huntoon et al., in view of Widlund, and further in view of Tanzer et al. (US Patent No. 5,364,380).

Tanzer has been cited for its disclosure of absorbent articles containing a neutralizing agent to reduce odors. Once again, applicant submits that the Tanzer reference does not cure the deficiencies of the Huntoon et al. and Widlund references

noted above, and accordingly, claims 20-21 are believed to be allowable under 35 U.S.C. § 103 (a) for the reasons presented above in connection with claim 1.

In view of the foregoing, applicant respectfully submits that the application is in proper condition for allowance. Favorable reconsideration and prompt allowance of the application are therefore respectfully requested. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number listed below.

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